

# **JOURNAL OF THE HOUSE**

## **NINETIETH SESSION**

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TWENTY-SIXTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Tuesday, February 24, 2015

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Sarah Goldammer, followed by the Pledge of Allegiance led by House pages Kevin Boring and Ally Brandner.

Roll Call: All members present.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-fifth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Dean Wink, Chair

Which motion prevailed.

1 The oath of office was administered by Speaker Wink to the following named pages:

2 Kevin Boring, Jessica Brady, Ally Brandner, Jack Brown, Matthew Darnall, Michael  
3 Dupic, Shanda Gill, Zach Johansen, Jenna Johnson, Cassandra Jones, Shelby Kampmann, Allie  
4 Knofczynski, Shale Kramme, Amanda Pennock, Emily Plumage.

5 Which was subscribed to and placed on file in the office of the Secretary of State.

6 **REPORTS OF STANDING COMMITTEES**

7 MR. SPEAKER:

8 The Committee on State Affairs respectfully reports that it has had under consideration  
9 HB 1218 and returns the same with the recommendation that said bill be amended as follows:

10 1218ra

11 On the printed bill, delete everything after the enacting clause and insert:

12 " Section 1. That chapter 13-16 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 Any school district may make payments from its capital outlay fund for the support of a  
15 postsecondary technical institute located in the school district's region. However, the payment  
16 from the capital outlay fund may not exceed an amount equal to the result of applying a tax levy  
17 of twenty-five cents per thousand dollars of taxable valuation of the school district.

18 The levy authorized by this section may be made in addition to any levy limitations provided  
19 in § 13-16-7. However, such tax levy may not exceed three dollars of taxable valuation on the  
20 taxable valuation of the district."

21 1218rta

22 On page 1, line 1, of the printed bill, delete "accommodate legislation relating to" and  
23 insert "create certain funding for".

24 And that as so amended said bill do pass.

25 Also MR. SPEAKER:

26 The Committee on State Affairs respectfully reports that it has had under consideration  
27 HB 1226 which was tabled.

1 Also MR. SPEAKER:

2 The Committee on State Affairs respectfully reports that it has had under consideration  
3 HB 1131 and 1220 which were deferred to the 41<sup>st</sup> Legislative Day.

4 Respectfully submitted,  
5 Brian G. Gosch, Chair

6 Also MR. SPEAKER:

7 The Committee on Appropriations respectfully reports that it has had under consideration  
8 HB 1046 and returns the same with the recommendation that said bill be amended as follows:

9 1046mb

10 On page 3 of the printed bill, delete lines 23 and 24.

11 On page 4, delete lines 1 to 13, inclusive.

12 On page 4, after line 23, insert:

13 " Section 12. That § 4-7-1 be amended to read as follows:

14 4-7-1. Terms used in this chapter, unless the context otherwise requires, mean:

15 (1) "Appropriation," an authorization by the Legislature to a budget unit to expend, from  
16 public funds, a sum of money not in excess of the sum specified, for the purposes  
17 specified in the authorization and under the procedure described in this chapter;

18 (2) "Budget," the complete financial plan for the state for the fiscal period as proposed  
19 in the budget report and modified and adopted by appropriation and revenue acts;

20 (3) "Budget estimate," the statement with accompanying explanations, as provided in this  
21 chapter, in which a budget unit sets forth its financial requirements;

22 (4) ~~"Budget message," the required statement by the Governor to the Legislature after its~~  
23 ~~convening, which gives a summary description of his proposed financial policies and~~  
24 ~~plans contained in the budget report, together with his recommendations for~~  
25 ~~additional revenues, if any;~~

26 —(5) "Budget report," the recommendations of the Governor to the Legislature as to  
27 financial plans and appropriations to be requested, with the accompanying statements  
28 and explanations provided for in this chapter;

29 ~~(6)~~(5) "Budget unit," a department, institution, commission, agency, board, examining  
30 board, or other unit of government for which separate appropriations, continuing  
31 appropriations or other dedications or earmarking of funds are made or which

1 otherwise collects fees or funds of any nature under authority of any statute of this  
2 state;

3 ~~(7)~~(6) "Classification of expenditures," one of the several definite kinds of expenditures  
4 denoting a class of service or commodities purchased or properties acquired as  
5 specified by the commissioner of finance and management for use in expenditure  
6 accounting, in the making of budget estimates, and in the budget reports and budgets.  
7 Such classification shall be by program, function, activity, organizational unit,  
8 character and object;

9 ~~(8)~~(7) "General Appropriations Act," an act of the Legislature which authorizes the  
10 expenditure of money from public funds for the ordinary current ~~and capital~~  
11 expenditures of the executive, legislative, and judicial departments of the state, the  
12 current expenses of state institutions, interest on the public debt, and for public  
13 schools, as further defined by rules and regulations issued by the commissioner of  
14 finance and management;

15 ~~(9)~~(8) "Informational budget," the budget of any budget unit not receiving general fund  
16 appropriations;

17 ~~(10)~~(9) "Special appropriations act," an act of the Legislature which authorizes the  
18 expenditure of money from public funds for any purpose other than those  
19 purposes enumerated in the definition of the General Appropriations Act.

20 Section 13. That § 4-7-1.1 be amended to read as follows:

21 4-7-1.1. For the purposes of this chapter:

22 (1) An "advisory body" is one which serves as an official consultant or advisor to a state  
23 agency without making formal policy decisions for the agency or its programs;

24 (2) A "legislative body" is one composed primarily of legislators pursuant to chapter ~~4-4,~~  
25 1-26, 1-26B, 2-6, 2-9, 2-11, 2-16, 4-8A, or 4-8B, ~~or 6-11~~;

26 (3) A "management body" is a policymaking body which has additional duties,  
27 responsibilities, and authority such that they place additional demands upon the  
28 body's members in terms of attending meetings, dealing with state agencies and the  
29 public, and being knowledgeable in the body's specific subject area; and

30 (4) A "policymaking body" is one which monitors and directs the work of an agency by  
31 making official policy either through rule making, licensing, or regulatory authority.

32 Section 14. That § 4-7-9 be amended to read as follows:

33 4-7-9. The Governor, through the Bureau of Finance and Management, shall prepare and  
34 submit a budget report to the Legislature, and copies thereof shall be transmitted to each  
35 member of the Legislature, not later than the first Tuesday after the first Monday of December  
36 immediately preceding the session for consideration ~~either with or without amendments and~~

1 ~~modifications by the Legislature. The Governor may present such report to the Legislature in~~  
2 ~~person.~~

3 Section 15. The Joint Committee on Appropriations may request any department or budget  
4 unit to submit a zero based budget scenario pursuant to guidelines and procedures established  
5 jointly by the Bureau of Finance and Management and the Legislative Research Council."

6 1046mta

7 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "revise  
8 certain provisions regarding zero based budgets, budgeting procedures,".

9 And that as so amended said bill do pass.

10 Also MR. SPEAKER:

11 The Committee on Appropriations respectfully reports that it has had under consideration  
12 HB 1228 and returns the same with the recommendation that said bill be amended as follows:

13 1228oa

14 On the printed bill, delete everything after the enacting clause and insert:

15 " Section 1. There is hereby created the obligation recovery center. The obligation recovery  
16 center is attached to the Bureau of Administration for budgeting and reporting purposes.

17 Section 2. Terms used in this Act mean:

18 (1) "Center," the obligation recovery center;

19 (2) "Debt," a legal obligation to pay money, including any principal, any interest that has  
20 accrued or will accrue until the debt is paid, any penalties, any costs, and any other  
21 charges permitted by law. The term debt includes any obligation of any kind referred  
22 to the obligation recovery center for collection by any state government agency, by  
23 the Unified Judicial System, by the Board of Regents, or by a constitutional office;

24 (3) "Debtor," a person who is indebted to the state or a state agency for any delinquent  
25 accounts, charges, fees, loans, taxes, or other indebtedness due the state, or any  
26 person that owes any obligation being collected by the obligation recovery center;

27 (4) "Final debt," any debt due a state executive branch agency, the Board of Regent's  
28 system, or a constitutional office that is no longer subject to an administrative appeal  
29 or judicial review following an administrative appeal, or any costs, fines, fees or  
30 restitution ordered in any adult criminal proceeding through the Unified Judicial  
31 System no longer subject to direct appeal pursuant to § 23A-32-2;

1 (5) "Final notification," the notification provided by section 7 of this Act; and

2 (6) "Referring entity," the entity referring the debt to the state obligation recovery center  
3 for collection.

4 Section 3. The center shall work to collect each final debt referred to the center. The  
5 character of the debt in the hands of the referring entity does not change by the referral of the  
6 debt to the center for collection. Among other powers granted by this Act, the center may:

7 (1) Sue;

8 (2) File liens;

9 (3) Enter into payment agreements with debtors;

10 (4) Impose a cost recovery fee;

11 (5) Collect data for debt collection purposes;

12 (6) Establish and maintain a centralized electronic debt management system;

13 (7) Exercise settlement authority granted by the referring entity;

14 (8) Setoff against any moneys to be paid by the State of South Dakota or any referring  
15 entity to a debtor;

16 (9) Contract with multiple collection agencies for the collection of debt on behalf of the  
17 center;

18 (10) Except for the debt collection powers vested in the Unified Judicial System, the  
19 center may use the referring entity's statutory collection authority to collect the final  
20 debt owed to the referring entity; and

21 (11) Utilize all debt collection methods authorized by state law.

22 The office may determine which method or combination is most suitable to collect the debt.

23 Section 4. For any final debt referred to the center for collection after July 1, 2015, the center  
24 shall collect a cost recovery fee in addition to the debt referred to the center for collection. The  
25 cost recovery fee is calculated by multiplying the principal amount of the debt referred to the  
26 center by twenty percent. All debt collection methods available to collect any final debt referred  
27 to the center may be used by the center to collect the cost recovery fee. The cost recovery fee  
28 shall be deposited into a fund to be used to fund the operations of the center.

29 Section 5. The center shall retain the cost recovery fee and transfer any other moneys  
30 collected from a debtor to the referring entity within thirty days after the end of the month in  
31 which the moneys were collected. If the amount collected is less than the principal amount of  
32 the debt referred to the center and the cost recovery fee imposed by this Act, the amount

1 collected shall be prorated between the principal amount of the debt referred and the cost  
2 recovery fee.

3 If more than one referring entity has referred a debt to the center regarding the same debtor,  
4 or if the same referring entity has referred multiple debts to the office regarding the same debtor,  
5 the center shall collect the first referred debt before proceeding to the collection of the  
6 subsequent referred debt in the order referred.

7 Section 6. The center may be used as follows:

- 8 (1) Any executive branch agency may use the center to collect final debt owed to an  
9 executive branch agency;
- 10 (2) The Unified Judicial System may use the center to collect any costs, fines, fees, or  
11 restitution, constituting final debt, ordered in any adult criminal proceeding;
- 12 (3) The Board of Regents may use the center to collect any final debt owed within the  
13 South Dakota Board of Regents' system; and
- 14 (4) Any constitutional office may use the center to collect final debt owed to the  
15 constitutional office.

16 Section 7. Prior to transferring any debt to the center for collection, the referring entity shall  
17 provide a final notification to the debtor that the debt will be referred to the center for collection.

18 The final notification to the debtor may be sent by regular mail or by electronic means. The  
19 final notification shall contain all of the following:

- 20 (1) The name of the referring entity;
- 21 (2) Contact information for the referring entity;
- 22 (3) The name of the debtor;
- 23 (4) The nature of the debt;
- 24 (5) The principal amount of the debt;
- 25 (6) The total amount of the debt;
- 26 (7) A statement that the debt will not be turned over for collection to the center until a  
27 time at least fourteen days after the date the final notification is sent to the debtor;  
28 and
- 29 (8) A statement that if the debt is turned over to the center, a cost recovery fee of twenty  
30 percent of the principal, in the amount of \$ \_\_\_\_\_, will be added to the total debt  
31 owed by the debtor to the referring entity.

Section 8. All data, records, and files utilized for debt collection as provided for in this Act shall be confidential and privileged, and no person may divulge or disclose any information obtained from such records and files except in the administration and enforcement of this Act, or as otherwise required by law.

Section 9. The center may collect data for purposes of collecting any debt referred to the center. Notwithstanding any law to the contrary, referring entities are authorized to transmit data to the center deemed necessary by the center to aid in the collection of the referred debt and the center may share, request, and shall receive from any state agency any data to collect any debt referred to the center. Any information provided by a referring entity or a state agency may only be used for the purpose of collecting the debts referred to the center.

Section 10. The center shall establish and maintain a centralized electronic debt management system to compile the information provided by referring entities, to track the collection efforts for all debt referred to the center, to cross-reference and identify debtors for collection purposes, and to maintain all information provided or collected from all sources concerning addresses, financial records, and any other information useful to the center.

The center may designate a third party to establish and maintain the centralized electronic debt management system. Any such third party shall keep all information it obtains from any source confidential, and any employee, agent, or representative of that third party is prohibited from disclosing that information to anyone other than the center.

Section 11. No person that owes a debt that is referred to the center may renew, obtain or maintain:

- (1) Any registration for any motor vehicle, motorcycle, or boat, in which the person's name appears on the title of the motor vehicle, motorcycle, or boat;
- (2) Any driver license as defined by subdivision (1) of § 32-12-1; or
- (3) Any hunting license, fishing license, state park permit or camping permit;

unless the debt and cost recovery fee is either paid in full or the debtor has entered into a payment plan with the center and payment pursuant to the plan is current.

Section 12. No agency, board, or entity of the State of South Dakota may issue, renew, or allow an individual to maintain any motor vehicle, motorcycle, or boat registration, driver license, hunting license, fishing license, state park permit, or camping permit, after receiving notice from the center that the applicant, registrant, or licensee has a debt that is being collected by the center, unless the applicant, registrant, or licensee has paid the debt and cost recovery fee in full or the debtor has entered into a payment plan with the center and payment pursuant to the plan is current.

An applicant, registrant, or licensee who disputes a determination by the center that the applicant, registrant, or licensee has a debt that has been referred to the center for collection shall, upon request, be given a due process hearing by the center. Upon recommendation by the



center, the agency or entity may issue a temporary license, registration, certification, or permit to the applicant, registrant, or licensee pending final resolution of the due process hearing.

Section 13. Unless preempted by other law, any payment of any kind to be made to a debtor by the State of South Dakota or any referring entity, when the debtor has a debt that is referred to the center, is subject to offset by the center unless the debt and cost recovery fee is either paid in full or the debtor has entered into a payment plan with the center and payment pursuant to the plan is current.

Section 14. If the center is unable to collect the debt referred to it, the center, with the approval of the referring entity, may forward the debt to a collection agency or agencies for collection. The debt collection agency shall be permitted to add a collection charge, not to exceed twenty percent of the debt, to the debt forwarded to the collection agency as payment for its collection services. The center shall promulgate rules pursuant to chapter 1-26 concerning the process of contracting with and referring debt to debt collection agencies.

Section 15. The center may promulgate rules, pursuant to chapter 1-26, in the following areas:

- (1) Definitions;
- (2) Procedure for remitting moneys collected to referring entities;
- (3) Processes and procedures for entering into payment agreements with debtors;
- (4) The cost recovery fee;
- (5) The data collection system;
- (6) The centralized electronic debt management system;
- (7) The settlement authority process;
- (8) The procedure for sending information to the Division of Motor Vehicles concerning the nonrenewal of registrations for motor vehicles, motorcycles, and boats;
- (9) The procedure for sending information to the Department of Public Safety concerning the nonrenewal of driver licenses;
- (10) The procedure for sending information to the Department of Game, Fish and Parks concerning the nonissuance of hunting licenses, fishing licenses, state park permits and camping permits; and
- (11) The setoff of debt process.

Section 16. The center shall annually report to the Legislature concerning the activity of the center including the number of debts referred to the entity, the annual amount and nature of the debt obligations recovered by the center, the number of debts referred from the center to private

1 collection agencies and the results of those referrals, and the costs and expenditures incurred by  
2 the center."

3 1228ota

4 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "establish  
5 an obligation recovery center."

6 1228ob

7 On the printed bill, delete everything after the enacting clause and insert:

8 " Section 1. There is hereby created the obligation recovery center. The obligation recovery  
9 center is attached to the Bureau of Administration for budgeting and reporting purposes.

10 Section 2. Terms used in this Act mean:

11 (1) "Center," the obligation recovery center;

12 (2) "Debt," a legal obligation to pay money, including any principal, any interest that has  
13 accrued or will accrue until the debt is paid, any penalties, any costs, and any other  
14 charges permitted by law. The term debt includes any obligation of any kind referred  
15 to the obligation recovery center for collection by any state government agency, by  
16 the Unified Judicial System, by the Board of Regents, or by a constitutional office;

17 (3) "Debtor," a person who is indebted to the state or a state agency for any delinquent  
18 accounts, charges, fees, loans, taxes, or other indebtedness due the state, or any  
19 person that owes any obligation being collected by the obligation recovery center;

20 (4) "Final debt," any debt due a state executive branch agency, the Board of Regent's  
21 system, or a constitutional office that is no longer subject to an administrative appeal  
22 or judicial review following an administrative appeal, or any costs, fines, fees or  
23 restitution ordered in any adult criminal proceeding through the Unified Judicial  
24 System no longer subject to direct appeal pursuant to § 23A-32-2;

25 (5) "Final notification," the notification provided by section 7 of this Act; and

26 (6) "Referring entity," the entity referring the debt to the state obligation recovery center  
27 for collection.

28 Section 3. The center shall work to collect each final debt referred to the center. The  
29 character of the debt in the hands of the referring entity does not change by the referral of the  
30 debt to the center for collection. Among other powers granted by this Act, the center may:

31 (1) Sue;

- 1       (2)    File liens;
- 2       (3)    Enter into payment agreements with debtors;
- 3       (4)    Impose a cost recovery fee;
- 4       (5)    Collect data for debt collection purposes;
- 5       (6)    Establish and maintain a centralized electronic debt management system;
- 6       (7)    Exercise settlement authority granted by the referring entity;
- 7       (8)    Setoff against any moneys to be paid by the State of South Dakota or any referring  
8           entity to a debtor;
- 9       (9)    Contract with multiple collection agencies for the collection of debt on behalf of the  
10           center;
- 11       (10)   Except for the debt collection powers vested in the Unified Judicial System, the  
12           center may use the referring entity's statutory collection authority to collect the final  
13           debt owed to the referring entity; and
- 14       (11)   Utilize all debt collection methods authorized by state law.

15       The office may determine which method or combination is most suitable to collect the debt.

16       Section 4. For any final debt referred to the center for collection after July 1, 2015, the center  
17       shall collect a cost recovery fee in addition to the debt referred to the center for collection. The  
18       cost recovery fee is calculated by multiplying the principal amount of the debt referred to the  
19       center by twenty percent. All debt collection methods available to collect any final debt referred  
20       to the center may be used by the center to collect the cost recovery fee. The cost recovery fee  
21       shall be deposited into a fund to be used to fund the operations of the center.

22       Section 5. The center shall retain the cost recovery fee and transfer any other moneys  
23       collected from a debtor to the referring entity within thirty days after the end of the month in  
24       which the moneys were collected. If the amount collected is less than the principal amount of  
25       the debt referred to the center and the cost recovery fee imposed by this Act, the amount  
26       collected shall be prorated between the principal amount of the debt referred and the cost  
27       recovery fee.

28       If more than one referring entity has referred a debt to the center regarding the same debtor,  
29       or if the same referring entity has referred multiple debts to the office regarding the same debtor,  
30       the center shall collect the first referred debt before proceeding to the collection of the  
31       subsequent referred debt in the order referred.

32       Section 6. The center may be used as follows:

- 1 (1) Any executive branch agency may use the center to collect final debt owed to an  
2 executive branch agency;
- 3 (2) The Unified Judicial System may use the center to collect any costs, fines, fees, or  
4 restitution, constituting final debt, ordered in any adult criminal proceeding;
- 5 (3) The Board of Regents may use the center to collect any final debt owed within the  
6 South Dakota Board of Regents' system; and
- 7 (4) Any constitutional office may use the center to collect final debt owed to the  
8 constitutional office.

9 Section 7. Prior to transferring any debt to the center for collection, the referring entity shall  
10 provide a final notification to the debtor that the debt will be referred to the center for collection.

11 The final notification to the debtor may be sent by regular mail or by electronic means. The  
12 final notification shall contain all of the following:

- 13 (1) The name of the referring entity;
- 14 (2) Contact information for the referring entity;
- 15 (3) The name of the debtor;
- 16 (4) The nature of the debt;
- 17 (5) The principal amount of the debt;
- 18 (6) The total amount of the debt;
- 19 (7) A statement that the debt will not be turned over for collection to the center until a  
20 time at least fourteen days after the date the final notification is sent to the debtor;  
21 and
- 22 (8) A statement that if the debt is turned over to the center, a cost recovery fee of twenty  
23 percent of the principal, in the amount of \$ \_\_\_\_\_, will be added to the total debt  
24 owed by the debtor to the referring entity.

25 Section 8. All data, records, and files utilized for debt collection as provided for in this Act  
26 shall be confidential and privileged, and no person may divulge or disclose any information  
27 obtained from such records and files except in the administration and enforcement of this Act,  
28 or as otherwise required by law.

29 Section 9. The center may collect data for purposes of collecting any debt referred to the  
30 center. Notwithstanding any law to the contrary, referring entities are authorized to transmit data  
31 to the center deemed necessary by the center to aid in the collection of the referred debt and the  
32 center may share, request, and shall receive from any state agency any data to collect any debt

1 referred to the center. Any information provided by a referring entity or a state agency may only  
2 be used for the purpose of collecting the debts referred to the center.

3 Section 10. The center shall establish and maintain a centralized electronic debt management  
4 system to compile the information provided by referring entities, to track the collection efforts  
5 for all debt referred to the center, to cross-reference and identify debtors for collection purposes,  
6 and to maintain all information provided or collected from all sources concerning addresses,  
7 financial records, and any other information useful to the center.

8 The center may designate a third party to establish and maintain the centralized electronic  
9 debt management system. Any such third party shall keep all information it obtains from any  
10 source confidential, and any employee, agent, or representative of that third party is prohibited  
11 from disclosing that information to anyone other than the center.

12 Section 11. No person that owes a debt that is referred to the center may renew, obtain or  
13 maintain:

14 (1) Any registration for any motor vehicle, motorcycle, or boat, in which the person's  
15 name appears on the title of the motor vehicle, motorcycle, or boat;

16 (2) Any driver license as defined by subdivision (1) of § 32-12-1; or

17 (3) Any hunting license, fishing license, state park permit or camping permit;

18 unless the debt and cost recovery fee is either paid in full or the debtor has entered into a  
19 payment plan with the center and payment pursuant to the plan is current.

20 Section 12. No agency, board, or entity of the State of South Dakota may issue, renew, or  
21 allow an individual to maintain any motor vehicle, motorcycle, or boat registration, driver  
22 license, hunting license, fishing license, state park permit, or camping permit, after receiving  
23 notice from the center that the applicant, registrant, or licensee has a debt that is being collected  
24 by the center, unless the applicant, registrant, or licensee has paid the debt and cost recovery fee  
25 in full or the debtor has entered into a payment plan with the center and payment pursuant to the  
26 plan is current.

27 An applicant, registrant, or licensee who disputes a determination by the center that the  
28 applicant, registrant, or licensee has a debt that has been referred to the center for collection  
29 shall, upon request, be given a due process hearing by the center. Upon recommendation by the  
30 center, the agency or entity may issue a temporary license, registration, certification, or permit  
31 to the applicant, registrant, or licensee pending final resolution of the due process hearing.

32 Section 13. Unless preempted by other law, any payment of any kind to be made to a debtor  
33 by the State of South Dakota or any referring entity, when the debtor has a debt that is referred  
34 to the center, is subject to offset by the center unless the debt and cost recovery fee is either paid  
35 in full or the debtor has entered into a payment plan with the center and payment pursuant to the  
36 plan is current.

Section 14. If the center is unable to collect the debt referred to it, the center, with the approval of the referring entity, may forward the debt to a collection agency or agencies for collection. The debt collection agency shall be permitted to add a collection charge, not to exceed twenty percent of the debt, to the debt forwarded to the collection agency as payment for its collection services. The center shall promulgate rules pursuant to chapter 1-26 concerning the process of contracting with and referring debt to debt collection agencies.

Section 15. The center may promulgate rules, pursuant to chapter 1-26, in the following areas:

- (1) Definitions;
- (2) Procedure for remitting moneys collected to referring entities;
- (3) Processes and procedures for entering into payment agreements with debtors;
- (4) A process for the imposition of the cost recovery fee;
- (5) The data collection system;
- (6) The centralized electronic debt management system;
- (7) The settlement authority process;
- (8) The procedure for sending information to the Division of Motor Vehicles concerning the nonrenewal of registrations for motor vehicles, motorcycles, and boats;
- (9) The procedure for sending information to the Department of Public Safety concerning the nonrenewal of driver licenses;
- (10) The procedure for sending information to the Department of Game, Fish and Parks concerning the nonissuance of hunting licenses, fishing licenses, state park permits and camping permits; and
- (11) The setoff of debt process.

Section 16. The center shall annually report after conclusion of the prior fiscal year to the Government Operations and Audit Committee concerning the activity of the center including the number of debts referred to the entity, the annual amount and nature of the debt obligations recovered by the center, the number of debts referred from the center to private collection agencies and the results of those referrals, and the costs and expenditures incurred by the center."

And that as so amended said bill do pass.

Respectfully submitted,  
Justin R. Cronin, Chair

1 Also MR. SPEAKER:

2 The Committee on Local Government respectfully reports that it has had under  
3 consideration HB 1197 which was tabled.

4 Also MR. SPEAKER:

5 The Committee on Local Government respectfully reports that it has had under  
6 consideration HB 1211 which was deferred to the 41<sup>st</sup> Legislative Day.

7 Respectfully submitted,  
8 Kristin A. Conzet, Chair

9 **MESSAGES FROM THE SENATE**

10 MR. SPEAKER:

11 I have the honor to return herewith HB 1120 which has passed the Senate without change.

12 Also MR. SPEAKER:

13 I have the honor to inform your honorable body that HB 1155 was tabled.

14 Respectfully,  
15 Kay Johnson, Secretary

16 **MOTIONS AND RESOLUTIONS**

17 Rep. Qualm moved that the House do concur in Senate amendments to HB 1055.

18 The question being on Rep. Qualm's motion that the House do concur in Senate  
19 amendments to HB 1055.

20 And the roll being called:

21 Yeas 70, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;  
3 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);  
4 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean);  
5 Hunt; Jensen (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May;  
6 McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson  
7 (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck;  
8 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra;  
9 Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

10 So the motion having received an affirmative vote of a majority of the members-elect, the  
11 Speaker declared the motion carried and the amendments were concurred in.

12 HCR 1007 Introduced by: Representatives Haggar (Don), Anderson, Beal, Bolin, Brunner,  
13 Campbell, Conzet, Craig, Cronin, Deutsch, DiSanto, Dryden, Duvall, Feickert, Gosch,  
14 Greenfield (Lana), Harrison, Haugaard, Heinemann (Leslie), Holmes, Hunhoff (Jean), Hunt,  
15 Jensen (Alex), Johns, Kaiser, Klumb, Langer, Latterell, Marty, May, Mickelson, Munsterman,  
16 Novstrup (Al), Otten (Herman), Partridge, Peterson (Kent), Qualm, Rasmussen, Romkema,  
17 Rounds, Rozum, Russell, Schaefer, Schoenbeck, Schoenfish, Schrempp, Sly, Solum, Stalzer,  
18 Stevens, Tulson, Verchio, Werner, Westra, Wiik, Willadsen, Wink, Wollmann, and Zikmund  
19 and Senators Rampelberg, Bradford, Brown, Cammack, Curd, Ewing, Frerichs, Greenfield  
20 (Brock), Haggar (Jenna), Haverly, Heineman (Phyllis), Holien, Jensen (Phil), Lederman,  
21 Monroe, Novstrup (David), Olson, Omdahl, Otten (Ernie), Parsley, Peters, Rave, Rusch, Soholt,  
22 Solano, Tidemann, Tieszen, Van Gerpen, Vehle, and White

23 A CONCURRENT RESOLUTION, opposing the EPA's guidelines to reduce carbon dioxide  
24 emissions from existing fossil fuel-fired power plants in a manner that will cause economic  
25 harm.

26 WHEREAS, the citizens of South Dakota have benefitted from affordable electricity prices,  
27 a reliable electricity grid, and a diverse mix of electricity sources; and

28 WHEREAS, maintaining an affordable, reliable, and diverse electricity supply is vital to the  
29 state's economic growth, jobs, and the well-being of its citizens; and

30 WHEREAS, on June 2, 2014, the United States Environmental Protection Agency (EPA)  
31 proposed guidelines under section 111(d) of the federal Clean Air Act to reduce carbon dioxide  
32 emissions from existing fossil fuel-fired power plants; and

33 WHEREAS, carbon dioxide standards for existing fossil fuel-fired power plants should be  
34 based on measures that can be implemented at each fossil fuel-fired electric generating unit  
35 within the state; and

36 WHEREAS, the EPA's proposed guidelines require unprecedented changes to the electric  
37 system of the state; and



1 WHEREAS, the EPA's proposed guidelines interfere with the production, consumption,  
2 price, and regulation of electricity, which are the sole prerogative of the state, not the EPA; and

3 WHEREAS, the EPA does not have the legal authority to require reductions in carbon  
4 dioxide emissions from coal-fired power plants under section 111(d) of the federal Clean Air  
5 Act, nor to interfere with the electric system of any state; and

6 WHEREAS, studies project that the EPA's proposed guidelines will cause double digit  
7 electricity price increases for consumers in the state; and

8 WHEREAS, these electricity price increases will have a disproportionately harmful impact  
9 on lower-income and middle-income families; and

10 WHEREAS, the EPA's proposal threatens the reliability of the electricity grid:

11 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninetieth  
12 Legislature of the State of South Dakota, the Senate concurring therein, that the EPA's proposed  
13 guidelines for reducing carbon dioxide emissions from existing fossil fuel-fired power plants  
14 are in direct conflict with this resolution; and

15 BE IT FURTHER RESOLVED, that the EPA's proposed guidelines exceed the EPA's legal  
16 authority under section 111(d) of the federal Clean Air Act; and

17 BE IT FURTHER RESOLVED, that the EPA's proposed guidelines interfere with the  
18 prerogative of the state to regulate electricity and to ensure an affordable and reliable supply of  
19 electricity for its citizens; and

20 BE IT FURTHER RESOLVED, that the EPA's proposed guidelines will cause economic  
21 harm to the economy and citizens of the state; and

22 BE IT FURTHER RESOLVED, that the Legislature opposes the EPA's guidelines for  
23 reducing carbon dioxide emissions from existing fossil fuel-fired power plants and urges the  
24 EPA to withdraw the guidelines; and

25 BE IT FURTHER RESOLVED, the Legislature urges the Governor and the attorney general  
26 to use every means at their disposal to prevent the EPA's guidelines from being implemented.

27 Was read the first time and the Speaker waived the committee referral.

28 HCR 1008 Introduced by: Representatives Killer, Bordeaux, Deutsch, Feickert, Gibson,  
29 Johns, Latterell, Marty, May, McCleerey, Qualm, Russell, Schrempp, and Verchio and Senators  
30 Heinert, Bradford, Frerichs, Hunhoff (Bernie), Olson, and Parsley

31 A CONCURRENT RESOLUTION, Urging Congress and the President to recognize tribal  
32 identification cards as a valid form of identification for all official purposes.

1 WHEREAS, tribal identification cards are only issued after a thorough review process that  
2 includes proving the applicant's name, date of birth, and lineage, and serves as the most  
3 important and first form of identification for many tribal members; and

4 WHEREAS, the large percentage of tribal members living in South Dakota gives the state  
5 a significant interest in assuring that all tribal members are able to access an identification card  
6 or driver license issued by the state that complies with the federal REAL ID requirements; and

7 WHEREAS, the State of South Dakota recognizes tribal identification cards as sufficient  
8 identification for all purposes except issuing a REAL ID compliant identification card or driver  
9 license and the state would like to recognize tribal identification cards for those purposes; and

10 WHEREAS, the federal REAL ID Act and regulations prevent the State of South Dakota  
11 from recognizing tribal identification cards as a sufficient form of identification for purposes  
12 of issuing REAL ID compliant documents; and

13 WHEREAS, the governments of other sovereign nations recognize tribal identification cards  
14 as sufficient identification; and

15 WHEREAS, the United States government has a responsibility to protect tribal sovereignty  
16 and to fulfill its obligations to the Native American tribes and people:

17 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninetieth  
18 Legislature of the State of South Dakota, the Senate concurring therein, that the Legislature  
19 respectfully requests Congress and the President of the United States to recognize tribal  
20 identification cards as valid identification for all official purposes, including obtaining a REAL  
21 ID compliant identification card or driver license.

22 Was read the first time and the Speaker waived the committee referral.

## 23 **CONSIDERATION OF REPORTS OF COMMITTEES**

24 Rep. Gosch moved that the reports of the Standing Committees on

25 Taxation on HB 1233 as found on page 464 of the House Journal; also

26 Appropriations on HB 1110 as found on page 466 of the House Journal; also

27 Appropriations on HB 1190 as found on page 466 of the House Journal; also

28 Judiciary on HB 1221 as found on page 467 of the House Journal; also

29 Judiciary on HB 1140 as found on page 468 of the House Journal be adopted.

30 Which motion prevailed.

Rep. Kaiser moved that HB 1223 be placed on the calendar of Wednesday, February 25, the 27<sup>th</sup> legislative day, pursuant to Joint Rule 6F-6.

The question being on Rep. Kaiser's motion that HB 1223 be placed on the calendar of Wednesday, February 25, the 27<sup>th</sup> legislative day, pursuant to Joint Rule 6F-6.

And the roll being called:

Yeas 31, Nays 39, Excused 0, Absent 0

Yeas:

Anderson; Beal; Bolin; Brunner; Campbell; Craig; DiSanto; Feickert; Gosch; Greenfield (Lana); Hagggar (Don); Haugaard; Hickey; Hunt; Kaiser; Klumb; Langer; Latterell; Marty; May; Novstrup (Al); Qualm; Rasmussen; Russell; Schaefer; Stalzer; Verchio; Westra; Wiik; Zikmund; Speaker Wink

Nays:

Bartling; Bordeaux; Conzet; Cronin; Deutsch; Dryden; Duvall; Gibson; Harrison; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Jensen (Alex); Johns; Killer; Kirschman; McCleerey; Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Ring; Romkema; Rounds; Rozum; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stevens; Tulson; Werner; Willadsen; Wollmann

So the motion not having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion lost.

There being no objection, the House reverted to Order of Business No. 8.

## MOTIONS AND RESOLUTIONS

Rep. Novstrup moved that the Committee on Commerce and Energy be instructed to deliver HB 1157 to the floor of the House, pursuant to Joint Rule 7-7.

Which motion was not supported.

## SECOND READING OF CONSENT CALENDAR ITEMS

HB 1209: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to changes in terms of credit card agreements.

Was read the second time.

1 The question being "Shall HB 1209 pass?"

2 And the roll being called:

3 Yeas 67, Nays 3, Excused 0, Absent 0

4 Yeas:

5 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;  
6 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don);  
7 Harrison; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex);  
8 Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson;  
9 Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen;  
10 Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly;  
11 Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;  
12 Zikmund; Speaker Wink

13 Nays:

14 Haugaard; Hickey; Kaiser

15 So the bill having received an affirmative vote of a majority of the members-elect, the  
16 Speaker declared the bill passed and the title was agreed to.

## 17 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

18 HB 1185: FOR AN ACT ENTITLED, An Act to make an appropriation for property and  
19 casualty loss coverage, to establish the property and casualty captive insurance company fund  
20 for state properties, and to declare an emergency.

21 Having had its second reading was up for consideration and final passage.

22 The question being "Shall HB 1185 pass as amended?"

23 And the roll being called:

24 Yeas 50, Nays 20, Excused 0, Absent 0

25 Yeas:

26 Anderson; Beal; Bordeaux; Conzet; Craig; Cronin; Deutsch; Dryden; Duvall; Gibson; Haggard  
27 (Don); Harrison; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Jensen (Alex);  
28 Johns; Killer; Klumb; Langer; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten  
29 (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Romkema; Rounds; Rozum; Russell;  
30 Schoenbeck; Schoenfish; Sly; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik;  
31 Willadsen; Wollmann; Zikmund; Speaker Wink

1 Nays:

2 Bartling; Bolin; Brunner; Campbell; DiSanto; Feickert; Gosch; Greenfield (Lana); Haugaard;  
3 Hickey; Hunt; Kaiser; Kirschman; Latterell; Marty; May; Ring; Schaefer; Schrempp; Soli

4 So the bill having received an affirmative vote of a two-thirds majority of the members-  
5 elect, the Speaker declared the bill passed and the title was agreed to.

6 HB 1186: FOR AN ACT ENTITLED, An Act to revise an appropriation made to the  
7 Science and Technology Authority.

8 Having had its second reading was up for consideration and final passage.

9 The question being "Shall HB 1186 pass?"

10 And the roll being called:

11 Yeas 53, Nays 17, Excused 0, Absent 0

12 Yeas:

13 Anderson; Beal; Bordeaux; Conzet; Cronin; Deutsch; Dryden; Duvall; Feickert; Gosch; Haggard  
14 (Don); Harrison; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen  
15 (Alex); Johns; Kirschman; Klumb; Langer; Latterell; McCleerey; Mickelson; Munsterman;  
16 Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring;  
17 Romkema; Rounds; Rozum; Schoenbeck; Schoenfish; Sly; Soli; Solum; Stalzer; Stevens;  
18 Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

19 Nays:

20 Bartling; Bolin; Brunner; Campbell; Craig; DiSanto; Gibson; Greenfield (Lana); Haugaard;  
21 Hickey; Kaiser; Killer; Marty; May; Russell; Schaefer; Schrempp

22 So the bill having received an affirmative vote of a two-thirds majority of the members-  
23 elect, the Speaker declared the bill passed and the title was agreed to.

24 HB 1187: FOR AN ACT ENTITLED, An Act to make an appropriation for liability  
25 coverage for the South Dakota Building Authority, South Dakota Health and Educational  
26 Facilities Authority, South Dakota Housing Development Authority, South Dakota Ellsworth  
27 Development Authority, and South Dakota Educational Enhancement Funding Corporation, to  
28 establish the liability captive insurance company fund, and to declare an emergency.

29 Having had its second reading was up for consideration and final passage.

30 The question being "Shall HB 1187 pass as amended?"

31 And the roll being called:

32 Yeas 59, Nays 11, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bordeaux; Conzet; Craig; Cronin; Deutsch; Dryden; Duvall; Feickert;  
3 Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard; Hawks; Hawley;  
4 Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Killer; Kirschman;  
5 Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten  
6 (Herman); Partridge; Peterson (Kent); Qualm; Ring; Romkema; Rounds; Rozum; Schaefer;  
7 Schoenbeck; Schoenfish; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Wiik;  
8 Willadsen; Wollmann; Zikmund; Speaker Wink

9 Nays:

10 Bolin; Brunner; Campbell; DiSanto; Hickey; Kaiser; May; Rasmussen; Russell; Schrempp;  
11 Westra

12 So the bill having received an affirmative vote of a two-thirds majority of the members-  
13 elect, the Speaker declared the bill passed and the title was agreed to.

14 HB 1162: FOR AN ACT ENTITLED, An Act to enact the Interstate Insurance Product  
15 Regulation Compact.

16 Having had its second reading was up for consideration and final passage.

17 1162ra

18 Rep. Hawley moved that HB 1162 be amended as follows:

19 On page 28, after line 5 of the printed bill, insert:

20 " Section 2. The State of South Dakota expressly opts out of all long-term care provisions  
21 included in this Act pursuant to the opt out provision for long-term care provided in paragraph  
22 (4) of Article VII of section 1 of this Act."

23 Which motion prevailed.

24 The question being "Shall HB 1162 pass as amended?"

25 And the roll being called:

26 Yeas 9, Nays 60, Excused 1, Absent 0

27 Yeas:

28 Beal; Haggar (Don); Hawley; McCleerey; Novstrup (Al); Ring; Rounds; Schoenbeck; Soli

1 Nays:

2 Anderson; Bartling; Bolin; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto;  
3 Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Harrison; Haugaard; Hawks;  
4 Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Kaiser;  
5 Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; Mickelson; Munsterman; Otten  
6 (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Romkema; Rozum; Russell;  
7 Schaefer; Schoenfish; Schrempp; Sly; Solum; Stalzer; Stevens; Tulson; Verchio; Werner;  
8 Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

9 Excused:

10 Bordeaux

11 So the bill not having received an affirmative vote of a majority of the members-elect, the  
12 Speaker declared the bill lost.

13 HB 1231: FOR AN ACT ENTITLED, An Act to authorize the forfeiture of any financial  
14 benefit or valuables gained from prostitution or pimping.

15 Was read the second time.

16 1231fa

17 Rep. Hawks moved that HB 1231 be amended as follows:

18 On page 1, line 7, of the printed bill, delete "22-23-1".

19 On page 2, line 17, delete "22-23-1".

20 On page 2, line 21, delete "22-23-1".

21 On page 3, line 7, delete "22-23-1".

22 On page 3, line 11, delete "22-23-1".

23 On page 3, line 18, delete "22-23-1".

24 On page 3, line 21, delete "22-23-1".

25 On page 3, line 23, delete "22-23-1".

26 On page 4, line 4, delete "22-23-1".

27 On page 4, line 8, delete "22-23-1".

28 Which motion prevailed.

1 The question being "Shall HB 1231 pass as amended?"

2 And the roll being called:

3 Yeas 63, Nays 6, Excused 1, Absent 0

4 Yeas:

5 Anderson; Bartling; Beal; Bolin; Brunner; Conzet; Craig; Cronin; Deutsch; Dryden; Duvall;  
6 Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison; Haugaard; Hawks;  
7 Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;  
8 Killer; Kirschman; Klumb; Langer; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten  
9 (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum;  
10 Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens;  
11 Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

12 Nays:

13 Campbell; DiSanto; Kaiser; Latterell; Marty; May

14 Excused:

15 Bordeaux

16 So the bill having received an affirmative vote of a two-thirds majority of the members-  
17 elect, the Speaker declared the bill passed and the title was agreed to.

18 HB 1064: FOR AN ACT ENTITLED, An Act to prohibit unlawful self-dealing by state  
19 officers and employees.

20 Was read the second time.

21 1064ra

22 Rep. Gibson moved that HB 1064 be amended as follows:

23 On page 5, after line 11 of the House Judiciary Committee engrossed bill, insert:

24 " Section 9. The Executive Board of the Legislative Research Council shall consult with the  
25 executive branch and the judicial branch of state government to develop a plan for the  
26 restoration of a South Dakota Ethics Commission, and submit the plan as proposed legislation  
27 for the 2016 legislative session."

28 Which motion lost.



1 1064fb

2 Rep. Johns moved that HB 1064 be amended as follows:

3 On page 2, line 1, of the House Judiciary Committee engrossed bill, delete "other than a  
4 contract of employment" and insert ", other than a contract of employment,".

5 Which motion prevailed.

6 The question being "Shall HB 1064 pass as amended?"

7 And the roll being called:

8 Yeas 67, Nays 1, Excused 2, Absent 0

9 Yeas:

10 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto;  
11 Dryden; Duvall; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard;  
12 Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;  
13 Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson;  
14 Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen;  
15 Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly;  
16 Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;  
17 Zikmund; Speaker Wink

18 Nays:

19 Feickert

20 Excused:

21 Bordeaux; Hawks

22 So the bill having received an affirmative vote of a majority of the members-elect, the  
23 Speaker declared the bill passed and the title was agreed to.

24 HB 1205: FOR AN ACT ENTITLED, An Act to provide for the certification by a chief law  
25 enforcement officer of the transfer of certain firearms.

26 Was read the second time.

27 The question being "Shall HB 1205 pass as amended?"

28 And the roll being called:

29 Yeas 67, Nays 1, Excused 2, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto;  
3 Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggart (Don); Harrison;  
4 Haugaard; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen (Alex);  
5 Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;  
6 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;  
7 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly;  
8 Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;  
9 Zikmund; Speaker Wink

10 Nays:

11 Schoenbeck

12 Excused:

13 Bordeaux; Hawks

14 So the bill having received an affirmative vote of a majority of the members-elect, the  
15 Speaker declared the bill passed and the title was agreed to.

16 HB 1225: FOR AN ACT ENTITLED, An Act to prohibit the unauthorized commercial use  
17 of a personality's right of publicity and provide a civil remedy therefor.

18 Was read the second time.

19 The question being "Shall HB 1225 pass as amended?"

20 And the roll being called:

21 Yeas 66, Nays 2, Excused 2, Absent 0

22 Yeas:

23 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto;  
24 Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggart (Don); Harrison;  
25 Haugaard; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen (Alex);  
26 Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;  
27 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;  
28 Rasmussen; Ring; Romkema; Rounds; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli;  
29 Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;  
30 Zikmund; Speaker Wink

31 Nays:

32 Rozum; Schoenbeck

33 Excused:

34 Bordeaux; Hawks

And signed the same in the presence of the House.

**COMMEMORATIONS**

HC 1028 Introduced by: Representatives Werner and Gibson and Senator White

A LEGISLATIVE COMMEMORATION, Congratulating and commending the Wolsey-Wessington High School Boys Football Team as the 2014 South Dakota Class 9A Championship Runner-Up.

WHEREAS, the Wolsey-Wessington Warbirds overall season record was eleven wins and one loss for the 2014 season and the Warbirds were defeated by Howard High School boys team in the Class 9A championship game by the score of thirty-two to twenty; and

WHEREAS, the members of the Wolsey-Wessington State Class 9A Boys championship team were Lorenzo Williams, Bennett White, Lynden Williams, Zach Luce, Tanner Waters, Hunter Johnson, Austin Kemnitz, Jerret Webber, Carter Langbehn, Logan Zemlicka, Lance Langbehn, Mark Hamilton, John Hamilton, Colton Borah, Seth Spiehs, Carter Mehling, Tyler Babcock, Riley Gohn, Darian Ogunjemilusi, Jayden Kahre, Corry Eggleston, Micheal Johnson, Tate Haider, Aaron Diekhoff, Jesse Mikrut, Lane Langbehn, Tyler Horn, Zane Wuestewald, Jaron Waters, Tanner Zemlicka, Dylan Hines, Diedrich Offt, Ethan Dargatz, Jacob Kahre, Brady Struck, Cole McGehee, Guy Plumb, Justin Feist, Logan Schiltz, Tyler Christianson, William Timm, Jaylon Graff, Braxton Hines, Caleb Brandt, and Jacob Sievers; and

WHEREAS, the team was led by head coach Gordon Hooks; assistant coach Ralph Newton; student managers Darin Tschetter, Logan Schiltz, Brevan Hooks, Skyler Zomer, Tanner Horn, Caleb Liebnow; statisticians Brittany Bergquist, Bailey Zerfoss, Chelsey Langbehn, Ashley Robinson, and Kallie Carey; cheerleaders Alyssa Stevens, Ashley Christianson, Jady McCreedy, Courtney Quam, Keilyn Mariona, and Emma Abbott; and

WHEREAS, multiple individuals on the Class 9A championship team won awards for their accomplishments, including All Conference Honors to Cole McGehee, Hunter Johnson, Dylan Hines, Lorenzo Williams, Carter Langbehn, John Hamilton, and Darian Ogunjemilusi; All-State Honors to Cole McGehee, Lorenzo Williams, Hunter Johnson, and honorable mention to Dylan Hines and Brady Struck. Lorenzo Williams was selected for the KSFY Elite 45 Team and nominated for the Gatorade Player of the Year; and

WHEREAS, this was the Wolsey-Wessington Warbirds first-ever trip to the DakotaDome and the school's first-ever state football championship appearance:

NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State of South Dakota, that the South Dakota Legislature commends the Wolsey-Wessington Warbirds Football Team for their 2014 Class 9A Runner-up Championship.

1 HC 1029 Introduced by: Representatives Kaiser and Novstrup (Al) and Senator Novstrup  
2 (David)

3 A LEGISLATIVE COMMEMORATION, Celebrating and honoring the South Dakota Snow  
4 Queen Festival on sixty-nine years of existence in the state.

5 WHEREAS, the South Dakota Snow Queen Festival provides more than forty communities  
6 in the state with the opportunity to put on pageants that showcase their diverse local talent and  
7 promote civic pride and spirit; and

8 WHEREAS, the hundreds of young ladies who participate in the pageants develop character  
9 and poise, have the opportunity to compete for thousands of dollars in scholarships and prizes,  
10 and are recognized for their academics, civic contributions, and leadership skills; and

11 WHEREAS, two young ladies each year are able to serve as ambassadors for the State of  
12 South Dakota, and the week-long festival and contest provides entertainment for the people of  
13 South Dakota and dignitaries from other states who attend the festival each January:

14 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State  
15 of South Dakota, that the Legislature recognizes and honors the South Dakota Snow Queen  
16 Festival on sixty-nine great years.

17 HC 1030 Introduced by: Representatives Rounds, Duvall, Johns, and Tulson and Senators  
18 Monroe, Haggar (Jenna), and Tieszen

19 A LEGISLATIVE COMMEMORATION, Honoring Sheriff Mike Leidholt for his years of  
20 dedication, exemplary service, and service as President of the National Sheriffs' Association.

21 WHEREAS, Sheriff Mike Leidholt just completed a year as the President of the National  
22 Sheriffs' Association after a long and illustrious career in law enforcement. At the national level,  
23 Sheriff Leidholt was first elected to the National Sheriffs' Association Board of Directors in  
24 2003. In 2008, he was elected as Treasurer of the NSA, and currently serves on the Executive  
25 Committee of the National Sheriffs' Association; and

26 WHEREAS, Sheriff Leidholt began his law enforcement career as a member of the  
27 Hughes/Stanley County Police Reserve in 1975. In August of 1988, Sheriff Leidholt was hired  
28 as a Deputy Sheriff for Hughes County. In 1994, he ran for the Office of Sheriff and won. He  
29 currently oversees a staff of forty nine employees; and

30 WHEREAS, Sheriff Leidholt was appointed by the past four South Dakota Governors to  
31 serve on the Juvenile Justice Advisory Groups, having served on state advisory groups for  
32 juvenile justice for nineteen years, and is currently the Vice Chair of the Council of Juvenile  
33 Services; and

34 WHEREAS, In 2010, Sheriff Leidholt was deeply involved with opening the new Hughes  
35 County Jail, a modern 168 bed facility which houses both local prisoners as well as inmates  
36 from surrounding jurisdictions; and

1 WHEREAS, Sheriff Leidholt married his wife Betty in 1975. They have two children,  
2 daughter Michelle Fonck, a teacher, and son Phillip, a Deputy Sheriff. Sheriff Leidholt also has  
3 four grandchildren, Thaddeus, Alexandria, Michael T., and Elizabeth:

4 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State  
5 of South Dakota, that the Legislature honors and congratulates Sheriff Mike Leidholt for his  
6 years of service, dedication to his field, longevity in the Hughes County area, and for his service  
7 as President of the National Sheriffs' Association.

8 Rep. Anderson moved that the House do now adjourn, which motion prevailed and at  
9 4:40 p.m. the House adjourned.

10

Arlene Kvislen, Chief Clerk